Remarks

This Application has been carefully reviewed in light of the Office Action mailed January 2, 2002. Applicant appreciates the Examiner's consideration of the Application. Claims 1-3, 5-7, 11-16, 18, 19, 22-24, and 27-30 have been amended to clarify, more particularly point out, and more distinctly claim inventive concepts previously present in these claims. These amendments are not considered necessary for patentability. Claims 33-47 have been added. No new matter has been added. Applicant respectfully requests reconsideration and favorable action in this case.

Drawings

Corrected drawings are submitted with this Response. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

Claims 1-32 are allowable under 35 U.S.C. § 102(e)

The Examiner rejects Claims 1-32 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,055,519 to Kennedy et al. (*Kennedy*). Applicant respectfully submits that *Kennedy* fails to disclose, teach, or suggest the combination of limitations specifically recited in Applicant's claims.

For example, *Kennedy* does not disclose, teach, or suggest:

Receiving a "promise having been generated according to an optimization of production of the supplies using the request as a constraint, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request," generating "a constraint according to the culprit," and reoptimizing "production of the demand using the constraint generated according to the culprit" (recited in Applicant's independent Claims 1 and 11); or

Receiving "a first promise for the first supply from the first supplier, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request," receiving "a second promise for the second supply from the second supplier, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request," and "if the first promise does not satisfy the first request or the second promise does not satisfy the second request, generating a constraint according to the

first culprit or the second culprit, respectively, and reoptimizing the production of the demand in accordance with the constraint to generate a new first request and a new second request" (recited in Applicant's independent Claim 22).

Kennedy discloses adjusting a request in response to a promise. According to *Kennedy*:

> In general, the present invention can be used in sales environments for the purpose of optimizing the profits of both the buyer and seller. Typically, [t]he buyer will request some quantities of items to be delivered within a given period. The seller will use some decision process to figure out whether filling that request is possible or whether an alternate plan is possible (such as delivering fewer items or delivering several days late). This decision process is often complex and may be performed by a finite capacity planning system, a finite supply chain planning system, a finite scheduler, an ATP process, or other such planning method. The seller then proposes to the buyer a promise to ship items at a certain quantity and date. The buyer thinks about the promise and either reissues an altered request (perhaps with lower quantities instead of later delivery) to which the seller must generate a new promise, or the buyer accepts the promise (which completes the negotiation).

Column 6, lines 26-42. At a minimum, *Kennedy* fails to disclose, teach, or suggest receiving a promise identifying a culprit for the promise not satisfying a request and, in response, generating a constraint according to the culprit and reoptimizing production of the demand in accordance with that constraint, as recited in Applicant's claims.

Additionally, *Kennedy* discloses determining if a promise for an item is less than a request for the item and, if so, adjusting the promise or the request for the item. According to *Kennedy*:

> A "Request Promised Short" problem indicates that the item promise has less 'quantity' than its item request. The Promise is for less than requested. To resolve this Problem, either the Request must be made for less or the Promise for made for more.

Column 17, lines 11-15. Identifying an item for which the promise is less than the request, however, does not identify a culprit. For example, there may be multiple items for which the promise for the item is less than the request for the item, but only one of which is a culprit. Moreover, adjusting a request for an item for which the promise is less than the request as disclosed in *Kennedy* cannot be considered generating a constraint according to a culprit

identified in a promise and reoptimizing production of a demand in accordance with that constraint, as recited in Applicant's claims.

For at least these reasons, *Kennedy* does not disclose, teach, or suggest the combination of limitations specifically recited in Applicant's independent Claims 1, 11, and 22.

Additionally, Applicant's dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the prior art. For example, *Kennedy* does not disclose, teach, or suggest receiving a promise comprising "an optimization objective and a promise constraint" and reoptimizing "to generate a new request using the promise constraint and the optimization objective," as recited in Applicant's Claim 8 (depending on Claim 1), Claim 18 (depending on Claim 11), and Claim 29 (depending on Claim 22). *Kennedy* discloses, "In general, the present invention can be used in sales environments for the purpose of optimizing the profits of both the buyer and seller." Column 6, lines 26-28. *Kennedy*, however, does not disclose, teach, or suggest receiving a promise comprising "an optimization objective and a promise constraint" and reoptimizing "to generate a new request using the promise constraint and the optimization objective."

Applicant's other dependent claims are similarly allowable. Because Applicant believes he has amply demonstrated the allowability of the independent claims over the prior art, and to avoid burdening the record, Applicant has not provided detailed remarks concerning the other dependent claims. Applicant, however, remains ready to provide such remarks if it becomes appropriate to do so. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claims 1, 11, and 22 and all claims that depend on the independent claims.

New Claims

For at least the reasons set forth above, Applicant further requests consideration and allowance of all new claims.

Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6812.

Applicants have attached a check in the amount of $690.00 for the fee for five additional independent claims and fifteen additional claims total. Although Applicant believes no other fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Mark-Ups Reflecting Changes

In the Claims

1. **(Amended)** A system for optimizing a request-promise workflow, the system comprising **one or more software components associated with a second entity and embodied in computer-readable media and when executed operable to**:

establish a demand at the second entity for one or more supplies supplied by a first entity operable to:

produce **[one or more]** **the** supplies; and

optimize its production of the supplies **using a request for the supplies as a constraint** to generate a promise for the supplies; **[and a second entity operable to:]**

optimize its production of **[a]** **the** demand to generate a request for the supplies;

communicate the request to the first entity;

receive a promise for the supplies from the first entity based on the request**, the promise having been generated according to an optimization of production of the supplies using the request as a constraint, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request;**

generate a constraint according to the culprit; and

reoptimize its production of the demand **using the constraint generated according to the culprit** to generate a new request if the promise does not satisfy the request.

2. **(Amended)** The system of Claim 1, **[further comprising a communication link operable to convey information between]** **wherein** the first entity **[and the second entity]** **is operable to repeat the following until the promise satisfies the request:**

receiving a request for the supplies from the second entity;

reoptimizing its production of the supplies using the request for the supplies as a constraint to generate a promise; and

communicating the promise to the second entity.

3. **(Amended)** The system of Claim 1, **[wherein the second entity is]** further operable to repeat the following **[steps]** until the promise satisfies the request:

optimizing its production of **[a]** **the** demand to generate a request for the supplies;

communicating the request to the first entity;

receiving a promise for the supplies from the first entity based on the request**, the promise having been generated according to an optimization of production of the supplies using the request as a constraint, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request;**

generating a constraint according to the culprit; and

reoptimizing its production of the demand **using the constraint generated according to the culprit** to generate a new request if the promise does not satisfy the request.

4. The system of Claim 1, wherein:

the first entity is further operable to optimize its production of the supplies independently of the second entity; and

the second entity is further operable to optimize its production of the demand independently of the first entity.

5. **(Amended)** The system of Claim 1, wherein:

the request comprises a first request for a first supply and a second request for a second supply; and

the promise comprises a first promise for the first supply and a second promise for the second supply**, the promise identifying the second supply as the culprit if the promise does not satisfy the request**.

6. **(Amended)** The system of Claim 5, wherein:

the second promise does not satisfy the second request**, the promise identifying the second supply as the culprit**; and

the second entity is further operable to optimize its production **of the demand** to generate a new request using the second promise **[as a]** **for the second supply to generate the** constraint.

7. **(Amended)** The system of Claim 1, wherein:

the request comprises a bundled request for at least two supplies to produce the demand;

the promise in response to the bundled request comprises a first promise, a second promise, and **[a]** **the** culprit identifying the second promise as the cause for **the promise** not satisfying the bundled request; and

the second entity is operable to reoptimize its production to generate a new request using the second promise **[as a]** **to generate the** constraint.

8. The system of Claim 1, wherein:

the promise comprises an optimization objective and a promise constraint; and

the second entity is operable to reoptimize its production to generate a new request using the promise constraint and the optimization objective.

9. The system of Claim 1, wherein the second entity is operable to generate a request in accordance with one or more internal resources.

10. The system of Claim 1, wherein the second entity is operable to communicate a demand promise to a client if the promise satisfies the request.

11. **(Amended)** A method for optimizing a request-promise workflow, the method comprising:

establishing a demand**[, wherein]** **associated with** one or more supplies **[are]** needed to satisfy the demand;

assuming that the supplies are unlimited;

optimizing the production of the demand to generate a request for the supplies needed to satisfy the demand;

communicating the request to a supplier;

receiving a promise from the supplier**, the promise having been generated according to an optimization of production of the supplies using the request as a constraint, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request**;

determining whether the promise satisfies the request; and

if the promise does not satisfy the request, **generating a constraint according to the culprit and** reoptimizing the production of the demand **using the constraint generated according to the culprit** to generate a new request **for communication to the supplier**.

12. **(Amended)** The method of Claim 11, further comprising repeating the following **[steps]** until the promise satisfies the request:

optimizing the production of the demand to generate a request for the supplies needed to satisfy the demand;

communicating the request to **[a]** **the** supplier;

receiving a promise from the supplier**, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request**;

determining whether the promise satisfies the request; and

if the promise does not satisfy the request, **generating a constraint according to the culprit and** reoptimizing the production of the demand **in accordance with the constraint** to generate a new request **for communication to the supplier**.

13. **(Amended)** The method of Claim 11, wherein:

the request comprises a first request for a first supply and a second request for a second supply; and

the promise comprises a first promise for the first supply and **[the]** **a** second promise for **[a]** **the** second supply**, the promise identifying the second supply as the culprit if the promise does not satisfy the request**.

14. **(Amended)** The method of Claim 13, wherein:

the second promise does not satisfy the second request**, the promise identifying the second supply as the culprit**; and

[the step of] reoptimizing the production of the demand to generate a new request further comprises using the second promise **[as a]** **for the second supply to generate the** constraint.

15. **(Amended)** The method of Claim 11, wherein:

the request comprises a bundled request **[having]** **comprising** a first request for a first supply and a second request for a second supply; and

the promise comprises a first promise, a second promise, and **[a]** **the** culprit identifying the second promise as the cause for not satisfying the bundled request.

16. **(Amended)** The method of Claim 15, wherein **[the step of]** reoptimizing the production of the demand to generate a new request further comprises using the second promise **[as a]** **for the second supply to generate the** constraint.

17. The method of Claim 15, wherein the bundled request comprises the supplies required for one demand.

18. **(Amended)** The method of Claim 11, wherein:

the promise comprises an optimization objective and a promise constraint; and

[the step of] reoptimizing the production of the demand to generate a new request further comprises **reoptimizing** using the promise constraint and the optimization objective.

19. **(Amended)** The method of Claim 11, wherein:

[the step of] optimizing the production of the demand to generate a request **[of]** **for** the supplies needed to satisfy the demand further comprises generating the request in accordance with one or more internal resources; and

[the step of] reoptimizing the production of the demand to generate a new request further comprises generating the new request in accordance with **the** one or more internal resources.

20. The method of Claim 11, wherein determining whether the promise satisfies the request comprises determining whether the promise falls within an acceptable range.

21. The method of Claim 11, further comprising communicating a demand promise to a client if the promise satisfies the request.

22. **(Amended)** A method for optimizing a request-promise workflow, the method comprising:

establishing a demand**[, wherein]** **associated with** one or more supplies **[are]** needed to satisfy the demand;

assuming that the supplies are unlimited;

optimizing the production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand;

communicating the first request to a first supplier;

communicating the second request to a second supplier;

receiving a first promise for the first supply from the first supplier**, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request**;

receiving a second promise for the second supply from the second supplier**, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request**;

determining whether the first promise satisfies the first request;

determining whether the second promise satisfies the second request; and

if the first promise does not satisfy the first request or the second promise does not satisfy the second request, **generating a constraint according to the first culprit or the second culprit, respectively, and** reoptimizing the production of the demand **in accordance with the constraint** to generate a new first request and a new second request.

23. **(Amended)** The method of Claim 22, further comprising repeating the following **[steps]** until the first promise satisfies the first request and the second promise satisfies the second request:

optimizing the production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand;

communicating the first request to **[a]** **the** first supplier;

communicating the second request to **[a]** **the** second supplier;

receiving a first promise for the first supply from the first supplier**, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request**;

receiving a second promise for the second supply from the second supplier**, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request**;

determining whether the first promise satisfies the first request;

determining whether the second promise satisfies the second request; and

if the first promise does not satisfy the first request or the second promise does not satisfy the second request, **generating a constraint according to the first culprit or the second culprit, respectively, and** reoptimizing the production of the demand **in accordance with the constraint** to generate a new first request and a new second request.

24. **(Amended)** The method of Claim 22, wherein:

the second promise does not satisfy the second request**, the second promise identifying the second culprit**; and

[the step of] reoptimizing the production of the demand to generate a new first request and a new second request further comprises using the second promise [as a] **to generate the** constraint.

25. The method of Claim 22, wherein the request comprises a bundled request for one or more supplies required for one demand.

26. The method of Claim 25, wherein the request further comprises a sub-bundled request for the supplies supplied by the first supplier.

27. **(Amended)** The method of Claim 26, further comprising:

receiving a first promise for the first supply from the first supplier, **[wherein]** the first promise **[comprises a] comprising the first** culprit identifying a culprit promise that does not satisfy the sub-bundled request; and

reoptimizing the production of the demand to generate a new first request and a new second request using the culprit promise **[as a]** **to generate the** constraint.

28. **(Amended)** The method of Claim 26, further comprising:

receiving a first promise for the first supply from the first supplier, **[wherein]** the first promise **[comprises]** **comprising** a first culprit promise that does not satisfy a first sub-bundled request;

receiving a second promise for the second supply from the second supplier, **[wherein]** the second promise **[comprises]** **comprising** a second culprit promise that does not satisfy a second sub-bundled request, **[wherein]** the second sub-bundled promise **[is]** **being** larger than the first sub-bundled promise;

reoptimizing the production of the demand to generate a new first request and a new second request using the first culprit promise **[as a]** **to generate the** constraint.

29. **(Amended)** The method of Claim 22, wherein:

the first promise comprises an optimization objective and a promise constraint; and

[the step of] reoptimizing the production of the demand to generate a new first request and a new second request further comprises **reoptimizing** using the promise constraint and the optimization objective.

30. **(Amended)** The method of Claim 22, wherein:

[the step of] optimizing the production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand further comprises generating the first request in accordance with one or more internal resources; and

[the step of] reoptimizing the production of the demand to generate a new first request and a new second request further comprises generating the new first request and a new second request in accordance with **the** one or more internal resources.

31. The method of Claim 22, wherein determining whether the first promise satisfies the first request comprises determining whether the first promise falls within an acceptable range.

32. The method of Claim 22, further comprising communicating a demand promise to a client if the first promise satisfies the first request and the second promise satisfies the second request.

Please add the following new claims.

33. **(New)** A system for optimizing a request-promise workflow, the system comprising one or more software components embodied in computer-readable media and when executed operable to:

establish a demand associated with one or more supplies needed to satisfy the demand;

assume that the supplies are unlimited;

optimize production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand;

communicate the first request to a first supplier;

communicate the second request to a second supplier;

receive a first promise for the first supply from the first supplier, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request;

receive a second promise for the second supply from the second supplier, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request;

determine whether the first promise satisfies the first request;

determine whether the second promise satisfies the second request; and

if the first promise does not satisfy the first request or the second promise does not satisfy the second request, generate a constraint according to the first culprit or the second culprit, respectively, and reoptimize the production of the demand in accordance with the constraint to generate a new first request and a new second request.

34. **(New)** The system of Claim 33, operable to repeat the following until the first promise satisfies the first request and the second promise satisfies the second request:

optimizing production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand;

communicating the first request to the first supplier;

communicating the second request to the second supplier;

receiving a first promise for the first supply from the first supplier, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request;

receiving a second promise for the second supply from the second supplier, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request;

determining whether the first promise satisfies the first request;

determining whether the second promise satisfies the second request; and

if the first promise does not satisfy the first request or the second promise does not satisfy the second request, generating a constraint according to the first culprit or the second culprit, respectively, and reoptimizing the production of the demand in accordance with the constraint to generate a new first request and a new second request.

35. **(New)** The system of Claim 33, wherein:

the second promise does not satisfy the second request, the second promise identifying the second culprit; and

reoptimizing the production of the demand to generate a new first request and a new second request further comprises using the second promise to generate the constraint.

36. **(New)** The system of Claim 33, wherein the request comprises a bundled request for one or more supplies required for one demand.

37. **(New)** The system of Claim 36, wherein the request further comprises a sub-bundled request for the supplies supplied by the first supplier.

38. **(New)** The system of Claim 37, further operable to:

receive a first promise for the first supply from the first supplier, the first promise comprising the first culprit identifying a culprit promise that does not satisfy the sub-bundled request; and

reoptimize the production of the demand to generate a new first request and a new second request using the culprit promise to generate the constraint.

39. **(New)** The system of Claim 37, further operable to:

receive a first promise for the first supply from the first supplier, the first promise comprising a first culprit promise that does not satisfy a first sub-bundled request;

receive a second promise for the second supply from the second supplier, the second promise comprising a second culprit promise that does not satisfy a second sub-bundled request, the second sub-bundled promise being larger than the first sub-bundled promise;

reoptimize the production of the demand to generate a new first request and a new second request using the first culprit promise to generate the constraint.

40. **(New)** The system of Claim 33, further operable to reoptimize production of the demand to generate a new first request and a new second request by reoptimizing using a promise constraint and an optimization objective, the first promise comprising the optimization objective and the promise constraint.

41. **(New)** The system of Claim 33, further operable to:

optimize the production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand by generating the first request in accordance with one or more internal resources; and

reoptimize the production of the demand to generate a new first request and a new second request by generating the new first request and a new second request in accordance with **the** one or more internal resources.

42. **(New)** The system of Claim 33, further operable to determine whether the first promise satisfies the first request by determining whether the first promise falls within an acceptable range.

43. **(New)** The system of Claim 33, further operable to communicate a demand promise to a client if the first promise satisfies the first request and the second promise satisfies the second request.

44. **(New)** Software for optimizing a request-promise workflow, the software embodied in computer-readable media and when executed operable to:

establish a demand associated with one or more supplies needed to satisfy the demand;

assume that the supplies are unlimited;

optimize production of the demand to generate a request for the supplies needed to satisfy the demand;

communicate the request to a supplier;

receive a promise from the supplier, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request;

determine whether the promise satisfies the request; and

if the promise does not satisfy the request, generate a constraint according to the culprit and reoptimize the production of the demand using the constraint generated according to the culprit to generate a new request for communication to the supplier.

45. **(New)** Software for optimizing a request-promise workflow, the software embodied in computer-readable media and when executed operable to:

establish a demand associated with one or more supplies needed to satisfy the demand;

assume that the supplies are unlimited;

optimize production of the demand to generate a first request for a first supply and a second request for a second supply needed to satisfy the demand;

communicate the first request to a first supplier;

communicate the second request to a second supplier;

receive a first promise for the first supply from the first supplier, the first promise identifying a first culprit as a cause for the first promise not satisfying the first request if the first promise does not satisfy the first request;

receive a second promise for the second supply from the second supplier, the second promise identifying a second culprit as a cause for the second promise not satisfying the second request if the second promise does not satisfy the second request;

determine whether the first promise satisfies the first request;

determine whether the second promise satisfies the second request; and

if the first promise does not satisfy the first request or the second promise does not satisfy the second request, generate a constraint according to the first culprit or the second culprit, respectively, and reoptimize the production of the demand in accordance with the constraint to generate a new first request and a new second request.

46. **(New)** A system for optimizing a request-promise workflow, the method comprising:

means for establishing a demand associated with one or more supplies needed to satisfy the demand;

means for assuming that the supplies are unlimited;

means for optimizing the production of the demand to generate a request for the supplies needed to satisfy the demand;

means for communicating the request to a supplier;

means for receiving a promise from the supplier, the promise identifying a culprit as a cause for the promise not satisfying the request if the promise does not satisfy the request;

means for determining whether the promise satisfies the request; and

if the promise does not satisfy the request, means for generating a constraint according to the culprit and reoptimizing the production of the demand using the constraint generated according to the constraint to generate a new request for communication to the supplier.

47. **(New)** A method for optimizing a request-promise workflow, the method comprising:

establishing a demand associated with one or more supplies needed to satisfy the demand;

assuming that the supplies are unlimited;

repeating the following until the promise satisfies the request:

optimizing the production of the demand to generate a request for the supplies needed to satisfy the demand, the request comprising a first request for a first supply and a second request for a second supply;

communicating the request to a supplier;

receiving a promise from the supplier, the promise comprises a first promise for the first supply and a second promise for the second supply, the promise identifying a culprit comprising the second supply as a cause for the promise not satisfying the request if the promise does not satisfy the request, the promise comprising an optimization objective and a promise constraint;

determining whether the promise satisfies the request; and

if the promise does not satisfy the request, generating a constraint according to the culprit and reoptimizing the production of the demand in accordance with the constraint, the promise constraint, and the optimization objective to generate a new request for communication to the supplier.